

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DOMINEC DANIEL HARTLEY,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACY HARTLEY,

Respondent-Appellant.

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UNPUBLISHED

February 19, 1999

No. 211579

Monroe Circuit Court

Family Division

LC No. 97-012708 NA

Before: Murphy, P.J., and MacKenzie and Talbot, JJ.

PER CURIAM.

Respondent appeals by delayed leave granted from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm.

The lower court did not abuse its discretion in allowing expert witness Sally Carter, who was not listed on the initial witness list, to testify at the termination hearing. *Gillam v Lloyd*, 172 Mich App 563, 584; 432 NW2d 356 (1988).

The failure to timely file the termination petition in accordance with MCR 5.974(F)(1)(a) did not require dismissal of the case and does not require that the termination order be set aside on appeal. *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991). Nor is reversal required on the basis that the termination hearing was not held within the time required by MCR 5.974(F)(1)(b). *In re Pardee*, 190 Mich App 243, 252; 475 NW2d 870 (1991).

Respondent challenges the lower court's jurisdiction on the basis that the minor child was not shown to be a resident of Monroe County. However, a respondent may not collaterally attack the lower court's exercise of jurisdiction in an appeal by right from an order terminating parental rights. *In*

*re Hatcher*, 443 Mich 426, 439; 505 NW2d 834 (1993). Even assuming that respondent's claim properly can be viewed as a challenge to the court's subject matter jurisdiction, as opposed to the court's exercise of that jurisdiction, appellate relief is not warranted because the evidence demonstrated that the minor child was "found within the county," which is sufficient to establish jurisdiction. MCL 712A.2; MSA 27.3178(598.2).

Next, the lower court did not abuse its discretion in excluding, as irrelevant, testimony regarding the religious background of the foster parents. MRE 401-403. See also *In re Hamlet*, 225 Mich App 505, 520; 571 NW2d 750 (1997).

The lower court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Moreover, respondent does not specifically contend, nor does the record indicate, that termination of respondent's parental rights was "clearly not" in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Finally, respondent does not have standing to raise the issue whether the child's father received proper notice of the termination proceedings. See *In re Campbell*, 129 Mich App 780, 784; 342 NW2d 607 (1983); *In re Ovalle*, 140 Mich App 79, 84; 363 NW2d 731 (1985).

Affirmed.

/s/ William B. Murphy  
/s/ Barbara B. MacKenzie  
/s/ Michael J. Talbot